

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Paper 30  
Filed: 6 July 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Institut National de la Recherche Agronomique,  
Junior Party  
(Application 10/613,053)

Inventors: Jun Imamura, Hideya Fujimoto, Ritsuko Yanagidate,  
Nobuya Koizuka, Takako Sakai and Takahiko Hayakawa),

v.

BASF Plant Science GMBH, McGill University, and  
DNA Landmarks, Inc.,  
Senior Party  
(Patent 7,314,971)

Inventors: Fang-Ming Lai, Charles Dendy, Natasa Formanova,  
Gregory G. Brown, Benoit S. Landry, Wing Cheung,  
Hua Jin and Martin LaForest).

Patent Interference No. 105,682 (RES)  
(Technology Center 1600)

**Redeclaration**

In view of the conference call held June 29, 2009, (See Paper 29) this interference is redeclared in order to correct an error in claim correspondence. In Paper 26, Agronomique's Claims 101 and 104 were inadvertently left off the listing of Agronomique's claims corresponding to the count. Those claims were originally identified as not corresponding to the count. Paper 24, p. 3. However, as noted in Paper 26, Agronomique's Claims 53 and 103 should have been designated as not-corresponding rather than 101 and 104. When the interference was redeclared, designating Claims 53 and 103 as not corresponding to the count, the listing of Agronomique's claims corresponding to the count was not correctly updated to reflect the change. Paper 26, p. 3. That oversight has now been corrected.

## **13 Identification and order of the parties**

## **Junior Party**

15 Named inventors: Jun Imamura  
16 Hideya Fujimoto  
17 Ritsuko Yanagidate  
18 Nobuya Koizuka  
19 Takako Sakai  
20 Takahiko Hayakawa  
21 Involved Application: 10/613,053 filed July 7, 2003  
22 Title: Protein Involved in Restoration of Cytoplasmic  
23 Male Sterility to Fertility and  
24 Gene Encoding the Protein and Gene  
25 Assignee: Institut National de la Recherche Agronomique



1      The claims of the parties which correspond to Count 1:

2              Application 10/613,053:      Claims: 24-26, 28, 29, 32, 34, 37-41,  
3    43, 44, 47, 53, 59, 63, 64,  
4    73-102, 104-106

5              Patent 7,314,971:      Claims: 1-18

6      The claims of the parties which do not correspond to Count 1, and, therefore,  
7      are not involved in the interference:

8              Application 10/613,053:      Claims: 54, 103

9              Patent 7,314,971:      Claims: None

10     The parties are accorded the following benefit for Count 1:

11        Application 10/613,053:      None

12        Patent 7,314,971:      None

13

14

15

/Richard E. Schafer/  
Administrative Patent Judge

cc (e-mail):

Attorney for Agronomique:

Kenneth J. Burchfiel, Esq.  
William J. Simmons, Esq.  
SUGHRUE MION, PLLC  
2100 Pennsylvania Ave., NW,  
Suite 800  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

Attorney for BASF et al:

Robert G. McMorrow, Jr., Esq.  
CONNOLLY BOVE LODGE &  
HUTZ LLP  
The Nemours Building  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, DE 19899  
Phone: (302) 658-9141  
Fax: (302) 658-5614